

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RALPH BAKER,

*Plaintiff,*

v.

MICHAEL WITTEVRONGEL, *et al.*,

*Defendants.*

Civil Action No. 20-13020

**ORDER**

**John Michael Vazquez, U.S.D.J.**

This matter comes before the Court by way of the Motion for Default Judgment filed by *pro se* Plaintiff Ralph Baker. Through the motion, Plaintiff seeks default judgment as to numerous Defendants for their alleged failure to answer, presumably, the Second Amended Complaint<sup>1</sup>, and a stay as to other Defendants because of a pending appeal. D.E. 18; and it

**APPEARING** that Plaintiff filed the instant motion on December 6, 2021. D.E. 18. Plaintiff subsequently filed a Notice of Appeal on December 27, 2021. D.E. 22. Plaintiff filed an amended Notice of Appeal on January 5, 2022. D.E. 25. Plaintiff is appealing the December 3, 2021 Opinion and Order dismissing his Second Amended Complaint. *Id.*; and it further

**APPEARING** that Plaintiff's Notice of Appeal conferred jurisdiction upon the Third Circuit and divested this Court of control over aspects of the case that are involved in the appeal. *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); and it further

---

<sup>1</sup> In his motion, Plaintiff references a matter that was pending before Judge Sheridan in 2008. D.E. 18 at 2. As previously discussed, Judge Sheridan dismissed Plaintiff's complaint in the 2008 matter and the Third Circuit denied Plaintiff's appeal. D.E. 3 at 2. While the present matter is factually related to Plaintiff's case before Judge Sheridan, it is a separate case.

**APPEARING** that Plaintiff appears to seek default judgment as to Defendants that failed to answer Plaintiff's Second Amended Complaint, but Plaintiff is presently seeking review of this Court's dismissal of that pleading. As a result, this Court lacks jurisdiction to decide Plaintiff's motion. *See Thomas v. Northeastern University*, 470 F. App'x 70, 71 (3d Cir. 2012) (affirming district court's denial of motions for default judgment and to amend because the plaintiff's appeal divested the district court of jurisdiction). Therefore, for the aforementioned reasons, and for good cause shown

**IT IS** on this 27th day of January, 2022,

**ORDERED** that Plaintiff's Motion for Default Judgment (D.E. 18) is **DENIED without prejudice**; and it is further

**ORDERED** that the Clerk of the Court shall send a copy of this Opinion and Order to Plaintiff by regular U.S. mail.

  
John Michael Vazquez, U.S.D.J.